

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA,
CHARLOTTE DIVISION
CASE NO. 3:09-cv-378-W

BEVERLY D. WHITE and)	
VICTOR A. WHITE,)	
)	<u>CONSENT ORDER</u>
Plaintiffs,)	<u>ALLOWING SUBSTITUTION OF</u>
)	<u>WAL-MART STORES EAST, LP</u>
vs.)	<u>AS DEFENDANT AND</u>
)	<u>DISMISSAL OF DEFENDANT</u>
WAL-MART STORES EAST, LP,)	<u>WAL-MART STORES, INC.</u>
)	
Defendant.)	

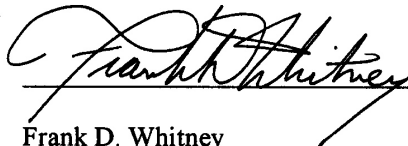
This cause coming on to be heard and being heard by the undersigned, with the consent of the parties, through their counsel, and it appearing to the Court:


1. Plaintiffs mistakenly named "Wal-Mart Stores, Inc." as the party Defendant in the Plaintiffs' Complaint;
2. "Wal-Mart Stores, Inc." was properly served with a Summons and Complaint via certified mail by service on its registered agent, CT Corporation System;;
3. The parties consent and agree that "Wal-Mart Stores East, LP" is the proper Defendant in this case; and
4. Wal-Mart Stores East, LP agrees to submit to the jurisdiction of the District Court of the United States for the Western District of North Carolina; and
5. Plaintiff, through the joint consent motion, moves to dismiss Defendant "Wal-Mart Stores, Inc.," and the Court finds that pursuant to Rule 41(a)(1), dismissal is appropriate.

THEREFORE, IT IS ORDERED, by and with the consent of the parties, that Wal-Mart Stores East, LP, be substituted as the Defendant for Wal-Mart Stores, Inc.; that "Wal-Mart Stores East, LP"

is substituted for "Wal-Mart Stores, Inc." in the style and body of the Complaint and the Case Management Order; that Wal-Mart Stores East, LP, is subject to the jurisdiction of this Court; that Wal-Mart Stores East, LP, is given 20 days to answer the complaint; and that Wal-Mart Stores, Inc., is dismissed as Defendant in this case.

Signed: September 28, 2009


Frank D. Whitney
United States District Judge



WE CONSENT:

\s\Thomas J. Hefferon
Thomas J. Hefferon
Attorney for Plaintiffs

\s\K. Neal Davis
K. Neal Davis
Attorney for Wal-Mart Stores, Inc. and
Wal-Mart Stores East, LP

\s\Michael Todd
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